

#### REMARKS

Claims 1-59 are pending in this application. Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments, and the discussion that follows. Claims 1, 3, 5-11, 14, 15, 17-21, 23-50, and 54-59 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,707,821 to Shaffer et al. ("Shaffer") in view of U.S. Patent No. 6,741,586 to Schuster et al. ("Schuster") and further in view of U.S. Pat. No. 6,757,239 to Kejriwal et al. ("Kejriwal"). Claims 2, 16, 22 and 51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shaffer in view of Schuster in view of Kejriwal and further in view of U.S. Pat. No. 6,904,037 to Oran et al. ("Oran"). Claims 4 and 52 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shaffer, Schuster, and Kejriwal, and further in view of U.S. Pat. No. 6,894,976 to Banga, et al. ("Banga"). Claim 12 has been rejected under 35 U.S.C. §103(a) as unpatentable over Shaffer, Schuster and Kejriwal further in view of Sampson (U.S. Pat. No. 6,081,720). Claims 13 and 53 have been rejected under 35 U.S.C. §103(a) as unpatentable over Shaffer, Schuster, and Kejriwal and further in view of Tran (U.S. Pat. No. 5,453,987). Claims 1 and 44 have been amended. After a careful review of the specification and claims (as amended), it is believed that the claims are allowable and, therefore, Notice of Allowance is respectfully requested.

Claims 1, 3, 5-11, 14, 15, 17-21 23-50, and 54-59 have been rejected as being obvious over Shaffer in view of Schuster and Kejriwal. Independent claims 1 and 44 have been amended to clarify that a computer is coupled to the

network telephone and communicates to the packet network through the packet telephone, and that a determination is made whether a data packet is to or from the computer and if so whether it needs to be divided. None of the references disclose this structure and functionality.

Independent claims 1, 15, 20, 31, 36, 44, 56, 57, 58 and 59 also call for user selected, second and third predetermined data packet priority associated with a respective first and second data processing device. The Office Action asserts that Kejriwal teaches assigning a second user selected packet priority to packets from a first data processing device and a third user selected predetermined priority to data packets from a second data processing device. However, Kejriwal describes a packet pipeline in which packets are prioritized to determine delay within the network based on traffic types wherein a single user may have both voice and data traffic (Col. 3, lines 5-28). Kejriwal does not describe user selection of multiple different priority levels for data packets based upon device, rather Kejriwal priorities are assigned to packets based on data vs. voice traffic, or other packet type criteria (e.g., control packets or non-conforming packets, Col. 29, lines 35-59). Thus, Kejriwal does not teach the claimed second priority level for a data packet to or from a first device and a third priority level for data packets to or from second data processing device. The cited sections of Cols. 2, 3, 4, 8, 12, 14, 19 and 28 merely describe the traffic type priority but do not describe the claimed multiple device based data packet priorities each associated with a particular data processing device.

The Office Action also mentions Patterson (U.S. Pat.

No. 6,504,913) at Col. 5, line 23 to Col. 7, line 14. However, Patterson describes a resource manager in which the priority of prioritized data applications is used to determine the order in which the applications are invoked in the event of an incoming call. Thus, priority is not assigned to the particular device but rather to dispatcher data applications. This does not describe multiple device based data packet priorities associate with a particular device. Since neither Shaffer, Schuster, Kejriwal, Patterson, Sampson or Oran teach or suggest the above feature, the combination fails to teach each and every claim limitation and therefore all the claims are believed to be distinguishable over the cited references.

In addition, claims 15 and 58 recite a higher first priority on packets to and from the network telephone. Again, the references do not teach assigning priority to packets based on the device sending or receiving the packet. Similarly, claim 20 claims assigning a higher priority to data packets destined for the phone and claim 59 claims a higher priority to data packets based on being to or from the first device (see e.g., p. 5, last paragraph). Since the combination of the reference fails to teach each and every claim limitation, the independent claims 1, 15, 20, 31, 36, 44, 56, 57, 58 and 59 are distinguishable over the cited references and are therefore believed to be allowable. All the remaining claims are dependent upon the allowable independent claims and are therefore also believed to be allowable.

With regard to claims 4 and 52, the Office Action asserts that the dividing of data packets into random, non uniform size smaller packets is described by Fig. 4 and Col. 6, lines 52-58, Col. 7, lines 43-50 and Col. 10, lines

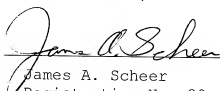
19-21 of Banga. However, Fig. 4 merely shows a receiving station discarding a datagram packet upon detection of a partially overlapping data fragment which concerns assembly of received data packets. There is no mention of randomness in Banga. Banga merely discloses dividing plural fragments with sizes that do not exceed the MTU (Col. 6, line 44-51). This does not disclose the claimed randomly dividing data packets to obtain random, non-uniform size packets. Thus, Banga does not teach random segmenting of the packets determined to need dividing, only dividing them.

Allowance of claims 1-59, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

WELSH & KATZ, LTD.

By:



James A. Scheer

Registration No. 29,434

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120 South Riverside Plaza  
22nd Floor  
Chicago, Illinois 60606  
(312) 655-1500